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Filing date: **09/22/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209637
Party	Plaintiff ZakkWylde
Correspondence Address	VICTOR K SAPPHIRE NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP 333 S GRAND AVENUE, TWENTY THIRD FLOOR LOS ANGELES, CA 90071 UNITED STATES trademarks@cblh.com,vsapphire@cblh.com,epritsker@cblh.com
Submission	Motion for Default Judgment
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Date	09/22/2013
Attachments	ZAKK WYLDE -- BALTUTIS MO FOR DEFAULT ON CTRCLM.pdf(80781 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Zakk Wylde,

Opposer and Counterdefendant,

v.

James A. Baltutis and Mark Ferguson

Applicants and Counterclaimants

Cancellation No. 91209637

Application No. 85/541,606

Counterclaimed Registration No:
3,518,532

OPPOSER'S MOTION FOR ENTRY OF DEFAULT JUDGMENT ON COUNTERCLAIM

Pursuant to Rule 2.106(a) of the Trademark Rules of Practice (37 C.F.R. §2.106(a)), Fed. R. Civ. P. 55(a) and 55(b), and T.T.A.B. Manual of Procedure §508, Opposer/Counterdefendant Zakk Wylde ("Opposer/Counterdefendant") hereby moves for entry of default judgment against the Applicants/Counterclaimants James Baltutis and Mark Ferguson ("Applicants/Counterclaimants") for failure to respond to Opposer/Counterdefendant's Motion to Dismiss Counterclaim.

Opposer/Counterdefendant filed its Motion to Dismiss (the "Motion") against Applicants/Counterclaimants' Counterclaim on August 12, 2013 and duly served Applicants/Counterclaimants with the Motion concurrently with the filing.

The Board suspended the Opposition Proceeding (the "Proceeding") on August 22, 2013 pending the disposition of the Motion. Applicants/Counterclaimants' deadline to respond to the Motion was August 27, 2013. The parties did not stipulate to any extension of time to respond. According to the Board's record of the Proceeding, the transmission to Applicants/Counterclaimants was not returned as undeliverable, permitting the assumption that Applicants/Counterclaimants received timely notice of the Proceeding. Applicants/Counterclaimants did not serve a response or provide any other procedurally proper response to the Motion.

Accordingly, Petitioner hereby requests that a default judgment be entered against Applicants/Counterclaimants, and that Applicants/Counterclaimants' Counterclaim for cancellation of Reg. No. 3,518,532 be dismissed with prejudice.

Dated: September 22, 2013

By: /s/

Victor K. Sapphire, Esq.
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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that a copy of the OPPOSER'S MOTION FOR ENTRY OF DEFAULT JUDGMENT ON COUNTERCLAIM was sent via First Class Mail and email this 22d day of September, 2010 to:

James A. Baltutis
PO Box 464
Burbank CA 91503-0464
jim@conceptsconcert.com

Name: /s/ Victor Sapphire